

COMMISSIONERS APPROVAL

CHILCOTT *gf*

LUND *Btl*

THOMPSON *at*

TAYLOR (Clerk & Recorder)

Date.....November 13, 2006

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Sally Fortino

The Board of County Commissioners met for personnel issues in which a closed door session was invoked, under the Montana Code, at the request of the employee.

In other business the Board of County Commissioners met for a report by the Special Projects Coordinator regarding Animal Protection and Control's proposed two-year plan. Present for the meeting were members of the Animal Protection and Control Board, Peg Platt, Sue Majors, and Vicky Dawson, and Marty Birkeneder, Special Projects Coordinator at the Sheriff's Office.

Discussion included funding issues. Marty said there is much support for animal protection and control projects. She distributed copies of material derived from sites on the internet. Some grant providers fund only construction, which works well with county goals. Marty indicated coordinating County entities with City entities would be a plus for any grant submittal. Many grantors offer funding for specific goals for this type of Animal Protection and Control Board.

Vicky stated she attended a recent meeting of the United States Humane Society. According to their research, correlations have been made between domestic violence and animal abuse. 88% of people reporting domestic violence have indicated animal abuse was also occurring in their home.

Commissioner Chilcott stated passing an ordinance without codification is not optimum as codification makes it more easily enforceable. Peg believed the law says it is predicated on funding. She also stated George Corn advised her that the ordinance can be passed in its present state.

Commissioner Lund said the Board of County Commissioners would hold a public hearing if they have something they can support. Peg said most of the problems were in wording, rather than being critical of the law.

Commissioner Chilcott indicated current ordinances are in the process of being codified by Sterling Codifiers. He also indicated they would look into scheduling a public hearing; sometimes things that seem easy create a great deal of discussion from the public.

In other business, the Board met with interested parties regarding a possible decision on pro rata sharing for Skysong Development. Renee Van Hoven and Tristan Riddell were present from the Planning Department. Judith Reynolds was also present.

Judith said her mother has been in the process of dividing the 100-acre ranch into nine parcels. The preliminary work has been approved and they are working on the final submittal. They are required to pay pro rata shares for the increased use of the road. They thought the assessment was for increased use of the road. Some parcels have houses that have been in place for some time. Their newer cabin has been occupied for fourteen years. Since all those dwellings were counted in the road count, can the pro rata share be adjusted to indicate those house have been there for some time? There is a house on lot 5, a cabin on lot 6; original old farm house on lot 7, the house on lot 8 is at least 60 years old.

Commissioner Lund asked for clarification on pro rata charges. Renee said the Planning Department takes the number of lots minus one; they don't look at other existing homes. For the Piscopo property, the Board of County Commissioners decided to relieve Mr. Piscopo of the pro rata on existing homes. She added that past decisions have not been consistent.

Commissioner Thompson said the law indicates it is necessary to pay on increased traffic, and in the Piscopo case there wasn't any increased traffic.

Commissioner Lund asked if, in the case of these nine lots, they would pay pro rata on five lots. Commissioner Thompson said the number of trips per day was a consideration. Rene recommended that they pay on the number of lots minus one.

Commissioner Lund commented that the family has donated 17 acres for a park. Commissioner Chilcott indicated while the park was an attribute to the development, the decision must be based on the pro rata for road impact. The Board of County Commissioners must not leverage good will from the developer for this decision. He asked if the 110-year old home has been occupied all that time. Judith said it has been occupied as a year round dwelling as far back as her research has allowed her to go, which included all years except the dwelling's first ten years. At least one occupying family worked the land.

Commissioner Chilcott stated the Subdivision For Lease or Rent Law was not interpreted until two years ago. Prior to that, if the acreage was sufficient to support a septic they could do what they wanted. He noted they have been taxed for many years. (This was a finding.)

Renee said homes have been on the property prior to the Subdivision Platting Act. (This was a finding on Piscopo.)

Commissioner Thompson stated the problem is establishing length of use. To be consistent, exempt three lots from pro rata. Commissioner Chilcott agreed with Commissioner Thompson.

Commissioner Lund asked if they will have one existing lot, with three houses being there long enough to be exempt. Renee stated the count would be 9 houses minus one house.

Commissioner Chilcott stated the Subdivision Platting Act was in place before the 14 yr-old house.

Commissioner Thompson stated a definitive number of homes exist; and as far as he is concerned they have set a precedent.

Commissioner Thompson made a motion to require pro rata on the subdivision as required in the Subdivision Platting Act of 1973. This is a nine-lot subdivision, one lot exempt, pro rata determined on two lots, two lots with pro rata being recorded as zero on those lots, therefore pro rata is based on six total lots. Commissioner Lund seconded the motion and all voted "aye".

In other business, the Board met to continue the meeting from November 6, 2006, on the use of CDBG monies. Administrative Director Skip Rosenthal and Julie Foster, Executive Director of Ravalli County Economic Development Authority were present for this meeting.

Julie spoke with the Commissioners regarding the Civil Rights Responsibilities Checklist in the CDBG Administration Manual. She said she received a letter stating the need for implementation of the plan in order to close out the grant. She is required to look at buildings and determine if repairs or improvements are required to bring to handicap-accessible status. She said she is able to create the list, but it will need to be updated.

Commissioner Chilcott agreed and suggested Julie and Dale Huahtanen do the inspection, taking the needed funding from overhead monies. Skip said he would attempt to locate previous inspection results. Commissioner Lund stated any non handi-cap restrooms should not be available to the public.

Commissioner Chilcott asked that the inspection report be designed in such a way that it can be reused for future inspections. Julie said it would be a simple statement of facts.

Commissioner Chilcott suggested making it available electronically, if possible. Commissioner Thompson said they need to know that something is wrong before they can correct it. He suggested Julie move forward with her inspection.

Julie said she would need a list of buildings and a letter of authority from the Board of County Commissioners. Skip advised her to send any calls or inquiries to him.

John Kissel was present as an observer.

Karen Hughes, Planning Department Director, was present to advise the Board of County Commissioners on upcoming situations created by the election results. Karen said the Board of County Commissioners should create a Board of Adjustment. The Board would have the ability to review variances to zoning. They will do nothing administrative, but can hear appeals.

Commissioner Chilcott suggested having the County Attorney and Interim Civil Counsel draft what is required to start the board, such as board composition etc. Karen said a resolution to create a Board of Adjustment would be needed. The Board discussed whether they should hold a public hearing in order to take public comment prior to adopting the resolution.

Karen also noted a replacement was needed for John Horwich, who is the Area 3 consultant.

In regard to interim zoning, Karen noted the planning staff and Planning Board needs to meet with the Commissioners. She will schedule a meeting on November 29th and then a follow up meeting two weeks later.

In regard to the open lands issue, she stated she is currently gathering more information on how to proceed. They will need to seek the legal direction of bond counsel, making sure they follow the law and not have any problems.

In other business the Board met for personnel issues in which a closed door session was invoked under the Montana Code.

The Board met to discuss the recent flooding in the valley and the need for an emergency declaration. Commissioner Thompson made a motion to adopt Resolution No. 2003, which states an emergency is hereby declared pursuant to Section 10-3-402 MCA and all provisions of the County Emergency Operations Guideline are in effect and that copies of the emergency declaration resolution be filed with the Clerk and Recorder and the Montana Disaster and Emergency Services Division in Helena, Montana. Commissioner Lund seconded the motion and all voted "aye".

The Board of County Commissioners made a site visit to Sunnyside Orchards, Number 4, Block 16.

In other business Commissioner Chilcott attended union negotiations for Dispatch.